

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MOBIUS CAPITAL, INC.,)
)
)
Plaintiff,)
)
v.)
)
TERRANCE MALONE,)
)
Defendant.) Civil Action No. 3:17-CV-3440-C-BK

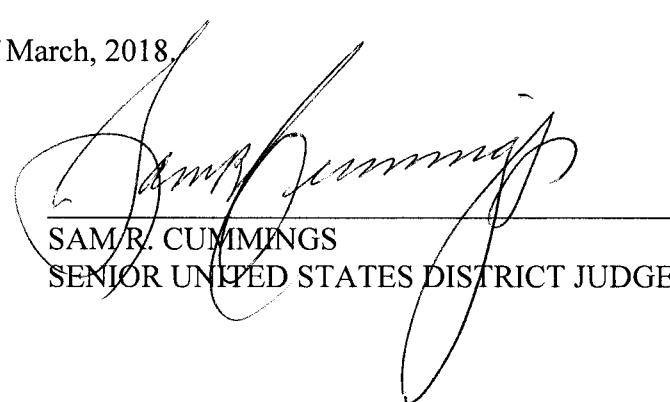
ORDER

On this day, the Court considered Plaintiff's "Emergency" Motion for Remand, filed December 26, 2017. Defendant failed to file any response to the Motion. On January 29, 2018, the United States Magistrate Judge entered her Findings, Conclusions, and Recommendation, recommending that the Motion be granted and that this case be remanded for lack of jurisdiction. Neither party filed any written objections and the time to do so has now expired.

The Court has reviewed the Findings, Conclusions, and Recommendation of the Magistrate Judge for clear error and finds none. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. In addition to agreeing with the Magistrate Judge's conclusion that federal subject-matter jurisdiction is not apparent from the face of Plaintiff's Original Petition, the Court further notes that this civil action was removed from a court located in Denton County, Texas, which sits within the territory of the United States District Court for the Eastern District of Texas. Therefore, removal to the Northern District of Texas was improper under 28 U.S.C. § 1446(a).

For each of these reasons, Plaintiff's Motion to Remand is **GRANTED** and the above-styled and -numbered civil action is **REMANDED** to the Denton County Court at Law No. 2. 28 U.S.C. § 1447(c). The Clerk of the Court shall mail a certified copy of this Order to the County Clerk of Denton County, Texas.

SO ORDERED this 2nd day of March, 2018



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE